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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

OCT -6 2008

DOCKET NO.	WS-02987A-07-0487
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IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES, L.L.C. FOR AN
EXTENSION OF ITS SEWER CERTIFICATE
OF CONVENIENCE AND NECESSITY IN
PINAL COUNTY, ARIZONA.

DOCKET NO. WS-02987A-07-0487

PROCEDURAL ORDER

BY THE COMMISSION:

On August 21, 2007, Johnson Utilities, L.L.C. ("Applicant" or "Johnson") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its sewer Certificate of Convenience and Necessity ("Certificate") to include the developments known as Skyline Estates, Quail Run Estates, and the J.O. Combs Educational Village located in Pinal County, Arizona.

On September 21, 2007, the Commission's Utilities Division Staff ("Staff") issued an Insufficiency Letter in this matter stating Johnson's application had not met the sufficiency requirements as outlined in Arizona Administrative Code ("A.A.C.") and requesting additional data.

On April 25, 2008, Staff docketed a copy of a letter sent to Johnson stating that the deficiencies in Johnson's application had not been corrected and that Staff recommended that the docket be administratively closed, if Johnson did not file additional information in support of its application by May 9, 2008.

On May 9, 2008, Johnson filed its response to Staff's Insufficiency Letter.

On June 3, 2008, Staff filed a Sufficiency Letter in this docket indicating that Johnson's application had met the sufficiency requirements as outlined in the A.A.C.

On June 6, 2008, by Procedural Order, a hearing was set to commence on August 7, 2008, and other procedural deadlines were established.

1 On July 7, 2008, Johnson docketed a Notice of Mailing, certifying that notice had been
2 provided to all property owners in the proposed extension area.

3 On July 18, 2008, Johnson filed a Notice of Substitution of Counsel.

4 On July 21, 2008, Johnson filed an Affidavit of Publication showing notice of the application
5 and hearing date had been published in two newspapers of general circulation in the proposed
6 extension areas, the *Florence Reminder* and *Blade-Tribune*, on July 3, 2008.

7 On August 7, 2008, a full public hearing was convened before a duly authorized
8 Administrative Law Judge ("ALJ") of the Commission at its offices in Phoenix, Arizona. The
9 Applicant and Staff appeared through counsel and presented evidence and testimony. No members of
10 the public appeared to give public comments. At the conclusion of the hearing, the ALJ informed the
11 parties that late-filed exhibits may be needed after a review of the transcript. Further, the developers
12 for the proposed extension areas did not appear for the hearing or provide comments related to
13 development timeframes in the proposed extension area.

14 Therefore, based on the testimony, evidence presented during the hearing and docketed
15 filings, it has been determined that additional information is needed.

16 IT IS THEREFORE ORDERED that **Johnson shall file, on or before November 14, 2008,**
17 as a late-filed exhibit, a sworn and notarized document from the developers in the proposed extension
18 areas, detailing the developers' plans for the proposed extension area, including, but not limited to, a
19 status report on where the developers are in meeting State and County agency requirements, as well
20 as the timeframes for building in the proposed developments. The late-filed exhibit shall include a
21 detailed description of the developers' plans for the various phases of development, including the
22 timing and size of each proposed phase.

23 IT IS FURTHER ORDERED that **Johnson shall file, on or before November 14, 2008,** as a
24 late-filed exhibit, a sworn and notarized document, from the developers in the proposed extension
25 areas, detailing any conservation mechanisms that will be employed within the proposed CC&N
26 areas including, but not limited to, the use of reclaimed water, plans for golf courses or other large
27 turf areas and whether groundwater will be used to irrigate those areas, and any plans for lakes or
28 other ornamental water features.

1 IT IS FURTHER ORDERED that **Johnson shall file, on or before November 14, 2008**, a
2 status report on the Notice of Violations issued by the Arizona Department of Environmental Quality
3 ("ADEQ") in March and May 2008, relating to the sanitary sewer overflows. The late-filed exhibit
4 shall include, but not be limited to, a discussion on whether or not Johnson has met the filing
5 requirements directed by ADEQ, the status of the testing for e-coli and fecal coliform required by
6 ADEQ subsequent to the NOV, and the results of those tests.

7 IT IS FURTHER ORDERED that **Johnson shall file, on or before November 14, 2008**, a
8 status report on the lawsuit filed by the Pecan Creek North Homeowners Association.

9 IT IS FURTHER ORDERED that **Staff shall file, on or before December 5, 2008**, responses
10 to Johnson's late-filed exhibits and shall include any additional recommendations related to the
11 filings.

12 IT IS FURTHER ORDERED that the time clock in this matter is hereby suspended.

13 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
14 Communications) continues to apply to this proceeding.

15 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
16 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
17 hearing.

18 Dated this 6th day of October, 2008.

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22 YVETTE B. KINSEY
23 ADMINISTRATIVE LAW JUDGE
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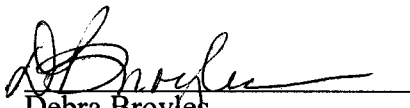
1 Copies of the foregoing mailed/delivered
2 this 16th day of October, 2008 to:

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23
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26 Secretary to Yvette B. Kinsey
27
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